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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALFONSO CHAVEZ-PLACENCIA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-70726

Agency No. A72-276-498

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted May 20, 2008^{**}

Before: PREGERSON, TASHIMA, and GOULD, Circuit Judges.

Alfonso Chavez-Placencia, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision ordering him removed and denying his

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

application for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law. *Fernandez-Ruiz v. Gonzales*, 468 F.3d 1159, 1163 (9th Cir. 2006). We dismiss the petition for review in part and deny it in part.

We lack jurisdiction to review Chavez-Placencia's contentions that his charging document provided inadequate notice, and that he is eligible for adjustment of status despite his conviction, as these contentions were not exhausted before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004) (exhaustion is mandatory and jurisdictional).

We reject Chavez-Placencia's contention that his conviction is not an aggravated felony barring him from cancellation of removal. *See Rendon v. Mukasey*, Nos. 05-77064 & 05-77150, 2008 WL 726354, *5 (9th Cir. Mar. 18, 2008) ("[P]ossession of a controlled substance with the intent to sell contains a trafficking element and is an aggravated felony."). Chavez-Placencia's plea agreement establishes that he pled guilty to felony "sale of marijuana." *See Parrilla v. Gonzales*, 414 F.3d 1038, 1043 (9th Cir. 2005) (a plea colloquy transcript is a judicially noticeable document under the modified categorical approach described in *Shepard v. United States*, 544 U.S. 13 (2005)).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.